

Appl. No. 10/035,926  
Amdt. Dated 2006-12-03  
Reply to Office Action of 2006-10-04

### **REMARKS / ARGUMENTS**

For the convenience of the Examiner and clarity of purpose, Applicant has reprinted the substantive portions of the Office Action in *10-point bolded and italicized font*. Applicant's arguments immediately follow in regular font.

*Restriction to one of the following inventions is required under 35 U.S.C. 121:*

*I. Claims 1-4, drawn to first and second moveable members for recommending product, classified in class 705, subclass 14.*

*II. Claims 5-8, drawn to first, second and third moveable members for recommending product, classified in class 705, subclass 14.*

*III. Claims 9-16, drawn to first, second, third and fourth moveable members for recommending product, classified in class 705, subclass 14.*

*IV. Claims 17-18, drawn to mechanical interface for mechanically selecting responses, classified in class 11 6, subclass 223.*

As a threshold matter, Applicant would point out that claims 1 – **26** are currently pending in the subject application. The Office Action Summary and the Office Action text both incorrectly state that only claims 1 - **18** are pending. It appears that the Office has failed to take notice of the Preliminary Amendment that was filed concurrently with the application and that added new claims 19 -26. A screen print from Private Pair is reproduced below and shows that the Preliminary Amendment was received and processed by the Office.

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### Transaction History

Date	Transaction Description
10-04-2006	Mail Restriction Requirement
09-29-2006	Requirement for Restriction / Election
09-18-2006	Case Docketed to Examiner in GAU
05-09-2006	Mail Miscellaneous Communication to Applicant
05-09-2006	Miscellaneous Communication to Applicant - No Action Count
03-20-2006	Case Docketed to Examiner in GAU
03-16-2006	Correspondence Address Change
03-16-2006	Change in Power of Attorney (May Include Associate POA)
09-27-2005	Case Docketed to Examiner in GAU
07-15-2004	Case Docketed to Examiner in GAU
05-12-2004	IFW TSS Processing by Tech Center Complete
<del>12-26-2001</del>	<del>Preliminary Amendment</del>
04-23-2002	Case Docketed to Examiner in GAU
04-23-2002	Case Docketed to Examiner in GAU
04-04-2002	Information Disclosure Statement (IDS) Filed
02-26-2002	Case Docketed to Examiner in GAU
02-20-2002	Application Dispatched from OIPE
02-13-2002	Application Is Now Complete
01-17-2002	IFW Scan & PACR Auto Security Review
12-26-2001	Initial Exam Team m

Turning now to the substance of the Office Action, assuming that the Office will persist in requiring restriction notwithstanding the addition of claims 19 - 26, Applicant desires to pursue claims 19 - 26 in this application. Applicant considers claim 19 as a genus claim with respect to claims 1 - 18 and by this Response has withdrawn claims 1 - 18. Once the patentability of claim 19 is recognized, Applicant intends to re-present claims similar or identical to withdrawn claims 1 - 18.

### **CONCLUSION**

Claims 1 - 26 are currently pending in this application, and claims 1 - 18 have been withdrawn from consideration. Applicant submits that each claim presented for consideration herein is patentable. A timely notice of allowance is respectfully requested.

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Applicant thanks the Examiner for her consideration and effort on this file. If there are any questions or if additional information is needed, the Examiner is invited to telephone or email the undersigned.

Respectfully submitted,

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